



Order Filed on December 20, 2016
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b) DENISE CARLON, ESQUIRE KML LAW GROUP, P.C. Sentry Office Plz 216 Haddon Ave., Suite 406 Westmont, NJ 08018 (215) 627-1322 dcarlon@kmlawgroup.com Attorneys for Bank of America, N.A.
In Re: Peter Kulas & Deborah Kulas, Debtors.

Case No.: 16-16418-CMG
Adv. No.:
Hearing Date: 12/21/16 @ 10:00 a.m.

Judge: Christine M. Gravelle

**ORDER RESOLVING SECURED CREDITOR'S OBJECTION TO DEBTORS'
CHAPTER 13 PLAN**

The relief set forth on the following pages, numbered two (2) through three (3) is hereby
ORDERED

DATED: December 20, 2016



Honorable Christine M. Gravelle
United States Bankruptcy Judge

Page 2

Debtor: Peter Kulas & Deborah Kulas

Case No.: 16-16418-CMG

Caption: **ORDER RESOLVING SECURED CREDITOR'S OBJECTION TO
DEBTORS' CHAPTER 13 PLAN**

This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor, Bank of America, N.A., the holder of a second mortgage on property known as 1 Blue Spruce Court, Perrineville, NJ 08535, Denise Carlon appearing, by way of objection to the confirmation of Debtors' Chapter 13 Plan, and this Court having considered the representations of attorneys for the Secured Creditor and Ted Hanratty, Esq., attorney for Debtors, and for good cause having been shown, it is hereby **ORDERED, ADJUDGED and DECREED:**

- Bank of America's claim shall be allowed as a non-priority general unsecured claim and shall be paid as such in accordance with the Debtors' Chapter 13 Plan.
- The avoidance of Bank of America's second lien is contingent upon the Debtors' completion of the Chapter 13 plan and the Debtors' receipt of a Chapter 13 discharge.
- Bank of America, N.A. shall retain its lien for the full amount due under the subject loan in the event of either the dismissal of the Debtors' Chapter 13 case or the conversion of the Debtors' Chapter 13 case to any other Chapter under the United States Bankruptcy Code.
- Each party shall bear their own attorney's fees and costs incurred in the present case number.
- In the event that the property is destroyed or damaged, pursuant to the mortgage, Bank of America, N.A. is entitled to its full rights as a loss payee with respect to the insurance proceeds and has a security interest in such proceeds up to the entire balance due on the mortgage.
- In the event that any entity, including the holder of the first lien on the Subject Property forecloses on its security interest and extinguishes Creditor's lien prior to the Debtors' completion of the Chapter 13 plan, Bank of America's lien shall attach to the surplus proceeds of the foreclosure sale for the full amount of the subject loan balance at the time of the sale.

Page 3

Debtor: Peter Kulas & Deborah Kulas

Case No.: 16-16418-CMG

Caption: **ORDER RESOLVING SECURED CREDITOR'S OBJECTION TO
DEBTORS' CHAPTER 13 PLAN**

- Bank of America, N.A. shall retain its lien for the full amount due under the subject loan should the subject property be sold, or should a refinance take place prior to the Chapter 13 plan completion and entry of a Discharge.

Certificate of Notice Page 4 of 4
United States Bankruptcy Court
District of New Jersey

In re:
Peter Kulas
Deborah Kulas
Debtors

Case No. 16-16418-CMG
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Dec 20, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 22, 2016.

db/jdb Peter Kulas, Deborah Kulas, 1 Blue Spruce Ct, Perrineville, NJ 08535-1310

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 22, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 20, 2016 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Denise E. Carlon on behalf of Creditor BANK OF AMERICA, N.A. dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Edward Hanratty on behalf of Joint Debtor Deborah Kulas thanratty@tomeslawfirm.com,
ftomes@tomeslawfirm.com;G17018@notify.cincompass.com;chamaryg@tomeslawfirm.com;abby@tomeslawfirm.
com;GenovieveC@tomeslawfirm.com
Edward Hanratty on behalf of Debtor Peter Kulas thanratty@tomeslawfirm.com,
ftomes@tomeslawfirm.com;G17018@notify.cincompass.com;chamaryg@tomeslawfirm.com;abby@tomeslawfirm.
com;GenovieveC@tomeslawfirm.com
Jeanette F. Frankenberg on behalf of Creditor Central Mortgage Company cmecf@sternlav.com
John R. Morton, Jr. on behalf of Creditor CAB East LLC, serviced by Ford Motor Credit Company
LLC mortonlaw.bcraig@verizon.net, donnal@mortoncraig.com;mhazlett@mortoncraig.com
Paul V. Buonaguro on behalf of Creditor Division of Taxation, State of New Jersey
paul.buonaguro@dol.lps.state.nj.us

TOTAL: 8